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Seong-Su Kim

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EXAMINER

BRANDENBURG, WILLIAM A

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/560,985	Applicant(s) KIM, SEONG-SU	
	Examiner WILLIAM A. BRANDENBURG	Art Unit 4115	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 1-24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/15/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The following is a non-final, first action on the merits in response to application filed on 12/15/2005. Claims 1-24 are pending.

Priority

2. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed with the present Application No. 10/560,985, filed on 12/15/2005. There is no parent application.

Information Disclosure Statement

3. The information disclosure statement (IDS) submitted on 12/15/2005 was filed. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Specification

4. The following guidelines illustrate the preferred layout for the specification of a utility application. These guidelines are suggested for the applicant's use. The Examiner requests that the Applicant make any necessary corrections to address missing sections and improper sequencing.

Arrangement of the Specification

As provided in 37 CFR 1.77(b), the specification of a utility application should include the following sections in order. Each of the lettered items should appear in upper case, without underlining or bold type, as a section heading. If no text follows the section heading, the phrase "Not Applicable" should follow the section heading:

- (a) TITLE OF THE INVENTION.
- (b) CROSS-REFERENCE TO RELATED APPLICATIONS.
- (c) STATEMENT REGARDING FEDERALLY SPONSORED RESEARCH OR DEVELOPMENT.
- (d) THE NAMES OF THE PARTIES TO A JOINT RESEARCH AGREEMENT.
- (e) INCORPORATION-BY-REFERENCE OF MATERIAL SUBMITTED ON A COMPACT DISC.
- (f) BACKGROUND OF THE INVENTION.
 - (1) Field of the Invention.
 - (2) Description of Related Art including information disclosed under 37 CFR 1.97 and 1.98.
- (g) BRIEF SUMMARY OF THE INVENTION.
- (h) BRIEF DESCRIPTION OF THE SEVERAL VIEWS OF THE DRAWING(S).
- (i) DETAILED DESCRIPTION OF THE INVENTION.

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- (j) CLAIM OR CLAIMS (commencing on a separate sheet).
- (k) ABSTRACT OF THE DISCLOSURE (commencing on a separate sheet).
- (l) SEQUENCE LISTING (See MPEP § 2424 and 37 CFR 1.821-1.825. A "Sequence Listing" is required on paper if the application discloses a nucleotide or amino acid sequence as defined in 37 CFR 1.821(a) and if the required "Sequence Listing" is not submitted as an electronic document on compact disc).

5. The abstract of the disclosure is objected to because of the use of Idiomatic English and improper grammar. It appears the errors are a result of a poor translation. Correction is required. See MPEP § 608.01(b).

6. The disclosure is objected to under 37 CFR 1.71, as being so incomprehensible as to preclude a proper search of the prior art by the examiner. For example, the following items are not understood:

The entire disclosure is replete with errors concerning both Idiomatic English and improper grammar. It appears the errors are a result of a poor translation. The Examiner notes that a search has been done according to what the Examiner

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could reasonably interpret from the disclosure. However, the Examiner was unable to complete a proper search of the prior art.

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art.

Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

A shortened statutory period for reply to this action is set to expire ONE MONTH or THIRTY DAYS, whichever is longer, from the mailing date of this letter.

7. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

Claim Objections

8. Claims 1-24 are objected to because of the following informalities:

Claims 1-24 contain numerous grammatical errors. It appears this is a result of a poor translation. For example, claim 3

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recites "wherein a sale, condition" in lines 1-2. The comma between "sale" and "condition" should be deleted. As another example, claim 14 recites "the coupon receiver inputs his won unique code" in line 3. The term "won" should be recited as "one". As another example, claim 15 recites "storing unique.codes" in line 3. The punctuation between "unique" and "codes" should be deleted.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

9. Claims 1-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors.

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In addition, claim 9 recites the calculation of "the sending quantity". As claimed, "the sending quantity" is calculated by dividing the sale goal quantity by a ratio of "the sending quantity" to the sale quantity. It is unclear to the Examiner how "the sending quantity" can be calculated by using itself in the calculation. If this value was already known, there would be no need for the calculation. Thus, claim 9 is rejected for being indefinite. See MPEP 2173. For the purposes of examination, the Examiner interprets "the sending quantity" to be calculated and set according to predefined parameters.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

10. Claims 1-24 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter

Claim 1 recites a method for selling perishable resources using one-way sending time expiring coupons. Although this claim satisfies the requirement as one of the four statutory categories (i.e. process), it is directed to an abstract idea. The claim recites the construction of databases and the

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storing and analysis of data, none of which are recorded on a computer-readable medium. As per MPEP 2106.01, functional descriptive material is non-statutory when claimed as descriptive material per se and not structurally or functionally interrelated to a computer-readable medium. Therefore, it is respectfully submitted that claim 1 is rejected under 35 U.S.C. 101 for being directed to non-statutory subject matter.

Furthermore, based on Supreme Court precedent, a method/process claim must (1) be tied to another statutory class of invention (such as a particular apparatus) (see at least *Diamond v. Diehr*, 450 U.S. 175, 184 (1981); *Parker v. Flook*, 437 U.S. 584, 588 n.9 (1978); *Gottschalk v. Benson*, 409 U.S. 63, 70 (1972); *Cochrane v. Deener*, 94 U.S. 780, 787-88 (1876)) or (2) transform underlying subject matter (such as an article or materials) to a different state or thing (see at least *Gottschalk v. Benson*, 409 U.S. 63, 71 (1972)). A method/process claim that fails to meet one of the above requirements is not in compliance with the statutory requirements of 35 U.S.C. 101 for patent eligible subject matter. Here the claims fails to meet the above requirements because the steps are neither tied to another statutory class of invention (such as a particular apparatus) nor physically

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transform underlying subject matter (such as an article or materials) to a different state or thing. The claim appears to simply manipulate data.

Claims 2-24 depend from claim 1 and do not cure the deficiencies set forth above. Therefore, claims 2-24 are also rejected for being directed to non-statutory subject matter.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 1-4, 6-9, 11-16, 18 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forlai (US 7,243,082 B1) (hereinafter Forlai) in view of Hoffman et al. (US 2003/0041001 A1) (hereinafter Hoffman).

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12. As per claim 1, Forlai discloses a method for selling perishable resources using one-way sending time expiring coupons, comprising the steps of:

a) updating a sale schedule by inquiring information of resources to sell from a sale network server according to update cycles (column 13, lines 26-28, SO database tracks all sales offers and conditions, see also column 15, lines 58-63, quantity and type of goods or services offered may be set according to communications or instructions received from seller, see also column 23, lines 23-30, site administrator receives report of number of available products or services to provide through sale offers), and

storing the information of resources in a sale schedule database (column 13, lines 26-28, SO database tracks all sales offers and conditions, see also column 17, lines 61-65, parameters concerning each sales offer stored and monitored by central controller including quantity and/or type of goods to be offered and the price and sales terms of the offer);

b) constructing a sending plan database by preparing and storing a sending condition, sending information and a sending plan for coupon sending (column 13, lines 26-28, SO database tracks all sales offers and conditions, see also column 17,

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lines 46-65, parameters define when and how the sale offer is generated);

c) collecting past sale rate information, storing the collected past sale rate information in a sale rate history database (column 13, lines 53-55, audit database 295 stores transactional information relating to transmission of each sale offer to be retrieved for later analysis, see also column 26, lines 16-22, any completed sale offer tracking data reviewed by site administrator to see results of sale offer and number of sale transactions successfully completed);

d) limiting a sending quantity of coupons based on profit-and-loss account and determining the sending quantity of coupons through a comparison of differences between the sale cycle, sending time and sale closing time (column 15, lines 61-67, quantity of goods or services offered set by instructions received from seller, see also column 17, lines 46-65, parameters define when and how sale offer is generated including the quantity and/or type of goods to be offered and the price and sale terms for the offer);

e) constructing a sending target extracting database by extracting and storing member data corresponding to the sending conditions (column 13, lines 18-25, database 258 stores information about registered users including

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preferences and demographic-type data, see also column 24, lines 5-13, target particular registered buyers based on profile or identifier that matches predetermined profile, target based on demographic profiles);

f) constructing a sending database by storing unique codes together with message codes stored in the sending plan database (column 13, lines 33-42, seller response database tracks all sale offers by seller ID number, purchase tracking ID number and associated sale offer tracking number, purchase confirmation database tracks messages sent between buyer and seller), and

preparing a coupon based on the sending database (column 18, lines 1-14, central controller determines it is time to generate sale offer and is electronically presented to buyer);

g) sending the prepared coupon to the extracted member (column 18, lines 1-4, central controller determines it is time to present sale offer, sale offer is electronically presented according to parameters);

h) accessing a sales network system for member authentication by the member receiving the coupon (column 18, lines 20-22, when there is a sign-in by a potential buyer the central controller will request contract and payment data from potential buyer); and

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i) selecting resources, sending purchase intention and paying for the selected resources by the member authenticated by the sales network system (column 5, lines 21-29, controller transmits payment identifier together with a final statement of acceptance to be electronically signed and filled out with credit card data or payment delivery form, see also column 18, lines 36-41, potential buyer provides requested data and confirm acceptance of the offer through network).

Forlai does not explicitly disclose

(c)constructing a sale rate predicting database by processing the stored past sale rate information to generate and store sale rate predicting information.

However, Hoffman teaches a Data Warehouse that contains critical supply chain information including sales history and forecasts that provide a basis for planning and forecasting ([0273]). Hoffman also teaches forecasting promotional items based on historical data ([0314-15]).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forlai to include storing analyzed historical information to plan and forecast

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promotional item offers as a way to ensure the sale offers presented to prospective buyers are those which appeal to the target audience and perform well. This would result in efficient inventory control, thus making a more profitable business.

13. As per claim 2, Forlai in view of Hoffman discloses the method as set forth in claim 1 (as rejected above). Forlai further discloses the step of

generating the unique codes corresponding to the extracted member data when the coupon is prepared in the step f) (column 9, lines 39-43, buyers targeted for sale offer according to predetermined identifiers, see also column 11, lines 44-48, buyer ID number stored in buyer database, see also column 13, lines 26-29, SO database tracks all sale offers via tracking number and buyer identification number).

14. As per claim 3, Forlai in view of Hoffman discloses the method as set forth in claim 1 (as rejected above). Forlai further discloses wherein

a sale, condition on which resources are available is stored in the coupon prepared in the step f) (column 13, lines 26-29, SO database tracks sale offer conditions).

Forlai does not explicitly disclose
the prepared coupon is signed according to a predetermined
encryption method.

However, Forlai does teach a cryptographic/encryption key
database that facilitates cryptographic functions (column 13,
lines 48-52). Forlai also teaches a buyer database that
maintains public/private key information on buyers. (column
13, lines 1-8).

It would have been obvious to one of ordinary skill in the art
at the time of the invention to modify Forlai to
electronically sign the sale offers using encryption to ensure
the sale offers are sent to the appropriate registered
potential buyers, and only those appropriate buyers have the
corresponding decryption information for sale offer retrieval.

15. As per claim 4, Forlai discloses the method as set forth in
claim 2 (as rejected above). Forlai further discloses wherein
the sending condition has different cycles at which
information of resources is updated in a database and
different database contents depending on kinds of resources

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(column 17, lines 46-65, central controller stores and monitors parameters that define when and how a sale offer is generated).

16. As per claim 6, Forlai discloses the method as set forth in claim 2 (as rejected above).

Forlai does not explicitly disclose wherein the step of limiting the sending quantity based on profit-and-loss account includes

setting the sending quantity of current coupons for resource schedule to a predetermined minimum value or stopping the sending of coupons if a division of " quantity of sale for the latest resource schedule after the sale closing time passes among resources to sell at a store selling resources indicated in the current coupon "by" the sending quantity" is lowered below a ratio of the sending quantity to the sale quantity at a break-even point.

However, Forlai does teach that the quantity and type of goods and services offered are set according to communications or instructions from the seller (column 15, lines 61-63). In addition, the time to generate sale offers is predefined by

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the sale offer generation parameters which include the quantity of goods to be offered, the price and sales terms as well as specific times of generation and duration of the sale offer. If the central controller determines there is no sale offer to generate, the sale offer is not generated and the central controller continues to monitor parameters (column 17, lines 46-67 - column 18, lines 1-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forlai to limit the amount of sale offers generated for prospective buyers to ensure profitability. As per the teachings of Forlai, by the seller controlling the sale offer generation parameters, they are essentially setting limits or constraints for the sale offers based on inventory management and pricing.

17. As per claim 7, Forlai discloses the method as set forth in claim 2 (as rejected above).

Forlai does not explicitly disclose wherein,

if at difference between the sending time and the sale closing time is similar to or less than a sale cycle, an expected residual quantity at the sale closing time is a sale

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goal quantity if a multiplication of "a sale quantity at P time before the sale closing time "by" a multiple of sending quantity" is equal to or more than the expected residual quantity, and the multiplication of "a sale quantity at P time before the sale closing time" by" a multiple of sending quantity" is the sale goal quantity if the multiplication of "a sale quantity at P time before the sale closing time "by" a multiple of sending quantity" is less than the expected residual quantity.

However, Forlai does teach that the quantity and type of goods and services offered are set according to communications or instructions from the seller (column 15, lines 61-63). In addition, the time to generate sale offers is predefined by the sale offer generation parameters which include the quantity of goods to be offered, the price and sales terms as well as specific times of generation and duration of the sale offer. If the central controller determines there is no sale offer to generate, the sale offer is not generated and the central controller continues to monitor parameters (column 17, lines 46-67 - column 18, lines 1-14).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forlai to control the amount of sale offers generated for prospective buyers to ensure profitability. As per the teachings of Forlai, by the seller controlling the sale offer generation parameters, they are essentially setting limits or constraints for the sale offers based on inventory management and pricing.

18. As per claim 8, Forlai discloses the method as set forth in claim 2 (as rejected above).

Forlai does not explicitly disclose wherein,

if a difference between the sending time and the sale closing time is more than a sale cycle, a residual sale quantity at a previous sending time is a sale goal quantity if a multiplication of "a sale quantity at P time before the sale closing time at the previous sending time "by" a multiple of sending quantity" is equal to or more than the residual sale quantity, and the multiplication of "a sale quantity at P time before the sale closing time at the previous sending time "by" a multiple of sending quantity" is the sale goal quantity if the multiplication of "a sale quantity at P time before the

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sale closing time at the previous sending time "by" a multiple of sending quantity" is less than the residual sale quantity.

However, Forlai does teach that the quantity and type of goods and services offered are set according to communications or instructions from the seller (column 15, lines 61-63). In addition, the time to generate sale offers is predefined by the sale offer generation parameters which include the quantity of goods to be offered, the price and sales terms as well as specific times of generation and duration of the sale offer. If the central controller determines there is no sale offer to generate, the sale offer is not generated and the central controller continues to monitor parameters (column 17, lines 46-67 - column 18, lines 1-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forlai to control the amount of sale offers generated for prospective buyers to ensure profitability. As per the teachings of Forlai, by the seller controlling the sale offer generation parameters, they are essentially setting limits or constraints for the sale offers based on inventory management and pricing.

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19. As per claim 9, Forlai discloses the method as set forth in claim 7 (as rejected above).

Forlai does not explicitly disclose wherein

the sending quantity is calculated by dividing the sale goal quantity by a ratio of the sending quantity to the sale quantity.

However, Forlai does teach that the quantity and type of goods and services offered are set according to communications or instructions from the seller (column 15, lines 61-63). In addition, the time to generate sale offers is predefined by the sale offer generation parameters which include the quantity of goods to be offered, the price and sales terms as well as specific times of generation and duration of the sale offer. If the central controller determines there is no sale offer to generate, the sale offer is not generated and the central controller continues to monitor parameters (column 17, lines 46-67 - column 18, lines 1-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forlai to control the amount of sale offers generated for prospective buyers to

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ensure profitability. As per the teachings of Forlai, by the seller controlling the sale offer generation parameters, they are essentially setting limits or constraints for the sale offers based on inventory management and pricing.

20. As per claim 11, Forlai discloses the method as set forth in claim 2 (as rejected above). Forlai further discloses wherein

the coupon sending is performed according to a personalized message sending method (column 11, lines 3-36, sale offer messages exchanged between registered user and central controller web server).

21. As per claim 12, Forlai discloses the method as set forth in claim 11 (as rejected above). Forlai further discloses wherein

the personalized message sending method is sent through one selected from sending by a mobile advertisement agency server, sending by its own message sending server (column 11, lines 3-36, sale offer messages exchanged between registered user and central controller web server), and sending by an electronic mail.

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22. As per claim 13, Forlai discloses the method as set forth in claim 2 (as rejected above). Forlai further discloses wherein

payment is performed through one selected from payment systems including an addition to mobile telephone charges, a credit card (column 5, lines 21-29, central controller issue payment identifier to buyer together with a final statement of acceptance to be electronically signed and filled out with credit card data or description of cash or payment), electronic money, points of cards, and cash at a store.

23. As per claim 14, Forlai discloses the method as set forth in claim 2 (as rejected above), wherein

a coupon receiver's identity is automatically confirmed and the coupon receiver logs in the sale network system when the coupon receiver inputs his won unique code into an URL of the sale network system to access the sale network system by using the coupon (column 7, lines 6-9, central controller has received a buyer "sign-in", automatically assigned a tracking number and having sent an acceptance form).

24. As per claim 15, Forlai discloses the method as set forth in claim 2 (as rejected above). Forlai further discloses

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a step of automatically determining which resources are purchasable by storing unique codes generated for each coupon together with sending information such as the sale closing time and target resources and comparing two unique codes with each other when the coupon receiver accesses the sale network system (column 17, lines 43-67 - column 18, lines 1-14, parameters define when and how sale offer is generated, parameters include frequency, duration, specific start time, quantity and/or type of goods to be offered and sales terms, while monitoring the sale offer generation parameters the controller determines to offer sale, see also column 22, lines 52-67 - column 23, lines 1-5, administrator inputs detailed offer parameters, automatic programming option provided to automatically generate sale offers).

25. As per claim 16, Forlai discloses the method as set forth in claim 2 (as rejected above). Forlai further discloses

the step of chasing information of a coupon receiver using the unique code inserted in the coupon to grasp the quantity of purchase for each individual and the sale rate for each group of clients (column 13, lines 1-25, buyer database 255 contains sale offer tracking number, database 258 stores information about registered buyers such as particular sites

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they have visited, the nature and amount of any purchases they made and additional demographic-type data, see also column 13, lines 26-29, SO database 265 tracks sale offer information and buyer identification number).

26. As per claim 18, Forlai discloses the method as set forth in claim 2 (as rejected above).

Forlai does not explicitly disclose

a step of selling only for a residual quantity of a resource that is assumed not to sell, keeping some quantity of the resource to sell at a normal price.

However, Forlai does teach a sale offer that is electronically presented to a buyer at various random times (column 2, lines 30-42).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forlai to keep a certain quantity of resources to sell at a normal price in order to make a higher profit. As per the teachings of Forlai, the sale offers are presented for a limited time only. Thus,

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Forlai is essentially keeping the remainder of resources to sell at the normal price.

27. As per claim 22, Forlai discloses the method as set forth in claim 2 (as rejected above). Forlai further discloses wherein

a sending interval and the sending quantity of the coupon are random such that clients can not predict the time of coupon sending (column 8, lines 67 - column 9, lines 1-2, sale offers made at unpredictable or random times, see also column 15, lines 58-60, generation of sale offers appear at unpredictable times during the day).

28. As per claim 23, Forlai discloses the method as set forth in claim 2 (as rejected above). Forlai further discloses

the unique codes are the same code to all members, and members having the unique codes are endowed with new respective unique codes when the members access a one-way sending time expiring coupon server (column 16, lines 33-45, visitor provides registration data, registered user assigned a unique personal ID number that is stored in database 258, see also column 24, lines 5-67, registered buyers targeted based on matched identifier, potential buyers notified of sale

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offer, potential buyer selects "Sign-In" and buyer tracking data including actions performed and assigned tracking number is logged, central controller automatically assigns unique tracking number associating sale offer to buyer).

29. As per claim 24, Forlai discloses the method as set forth in claim 2 (as rejected above). Forlai further discloses

coupon numbers are allocated to databases for each member ID (column 13, lines 1-10, buyer database 255 contains buyer Id number and tracking number of each acceptance form and the corresponding sale offer tracking number, see also column 13, lines 26-29, SO database 265 tracks sale offer tracking number and buyer identification number), and members access a one-way sending time expiring coupon server so that the members confirm sending of coupons and use the coupons (column 18, lines 36-55, potential buyer provides requested data and confirms acceptance of sale offer through interface to the electronic network environment).

30. Claims 5, 10 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forlai (US 7,243,082 B1) (hereinafter Forlai) in view of Hoffman et al. (US 2003/0041001 A1) (hereinafter Hoffman) as applied to claims 1-4, 6-9, 11-16, 18

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and 22-24 above, and further in view of Baker (US 6,505,046 B1) (hereinafter Baker).

31. As per claim 5, Forlai discloses the method as set forth in claim 2 (as rejected above). Forlai further discloses the step of

constructing a member purchasability condition setup database by storing available time zone information of the one-way sending time expiring coupon designated by the member (column 13, lines 26-29, SO database 265 tracks sale offer time and conditions).

Forlai in view of Hoffman does not explicitly disclose position information of the member.

However, Baker teaches retrieving a subscriber's location from the mobile origination and comparing it to the retailer records stored in the database for the location (column 2, lines 19-27). Once the origination is processed, all available coupons for that location are sent to subscriber (column 8, lines 37-41, see also column 9, lines 7-13).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forlai and Hoffman to include tracking information regarding a member's location in order to issue coupons based on the location of the member. Forlai and Hoffman both deal with sale offers and coupons generated for goods and the teachings of Baker would allow Forlai and Hoffman to reach a larger audience more frequently with coupons and advertising, resulting in more efficient inventory control.

32. As per claim 10, Forlai discloses the method as set forth in claim 2 (as rejected above). Forlai further discloses wherein the step of extracting the member data includes:

extracting a member by inquiring a member coupon sending frequency for a predetermined period of time, which is stored in a sending frequency database for each kind of resource (column 13, lines 18-25, database 258 stores information about registered users including preferences and demographic-type data, see also column 24, lines 5-13, target particular registered buyers based on profile or identifier that matches predetermined profile, predefined by sale offer parameters or randomly triggered by internal clock, target based on demographic profiles, see also column 23, lines 16-19, sale

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offers generated at randomly selected times or a predetermined frequency over a defined time period);

searching a member purchasability conditions setup database to extract only a member who can purchase a resource indicated on a coupon to be sent currently (column 17, lines 65-67 - column 18, lines 1-14, central controller monitors sale offer generation parameters to determine when to generate sale offer, see also column 24, lines 5-13, target particular registered buyers based on profile or identifier that matches predetermined profile, target based on demographic profiles);

extracting a member belonging to a group of clients to whom a sending quantity is allocated, from the member information database by the sending quantity (column 9, lines 39-51, target potential buyer groups for sale offers, see also column 24, lines 5-25, target sale offers to buyer groups based on various parameters and identifiers); and

extracting a sale quantity and a sending quantity for each member during the last one year at an idle time zone of one day during which a coupon sending operation is not conducted, from a sale database and a sending database, adding the number of times of sale and the number of times of sending for each member, respectively, and storing a result of the addition in a member sending quantity and sale quantity database (column

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11, lines 51-55, database 258 stores information on registered users or buyers such as particular sites they have visited, the nature and amount of any purchases made, personal preferences and additional demographic-type data, see also column 13, lines 52-55, audit database 295 stores transactional information relating to transmission of each sale offer allowing it to be retrieved for later analysis, See also column 23, lines 24-52, site administrator receives report on whether buyer tracking function status is active or non-active and the number of active tracking functions).

Forlai in view of Hoffman does not explicitly disclose

searching a sending target store area database and a member information database to extract a member who is assumed to be located in a position at which the resources of the store can be purchased for each kind of the resource and for each P time;

However, Baker teaches retrieving a subscriber's location from the mobile origination and comparing it to the retailer records stored in the database for the location (column 2, lines 19-27). Once the origination is processed, all available

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coupons for that location are sent to subscriber (column 8, lines 37-41, see also column 9, lines 7-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forlai and Hoffman to include tracking information regarding a member's location in order to issue coupons based on the location of the member. Forlai and Hoffman both deal with sale offers and coupons generated for goods and the teachings of Baker would allow Forlai and Hoffman to reach a larger audience more frequently with coupons and advertising, resulting in more efficient inventory control.

33. As per claim 17, Forlai discloses the method as set forth in claim 2 (as rejected above).

Forlai in view of Hoffman does not explicitly disclose the step of displaying resources to sell in a store close to a domicile of a coupon receiver before a resource list is displayed.

However, Baker teaches retrieving a subscriber's location from the mobile origination and comparing it to the retailer

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records stored in the database for the location (column 2, lines 19-27). Once the origination is processed, all available coupons for that location are sent to subscriber (column 8, lines 37-41, see also column 9, lines 7-13).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forlai and Hoffman to include tracking information regarding a member's location in order to issue coupons based on the location of the member. Forlai and Hoffman both deal with sale offers and coupons generated for goods and the teachings of Baker would allow Forlai and Hoffman to reach a larger audience more frequently with coupons and advertising, resulting in more efficient inventory control.

34. Claims 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Forlai (US 7,243,082 B1) (hereinafter Forlai) in view of Hoffman et al. (US 2003/0041001 A1) (hereinafter Hoffman) as applied to claims 1-4, 6-9, 11-16, 18 and 22-24 above, and further in view of Anttila et al. (US 6,862,575 B1) (hereinafter Anttila).

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35. As per claim 19, Forlai discloses the method as set forth in claim 2 (as rejected above). Forlai further discloses the step of paying for a coupon received by a coupon receiver (column 5, lines 21-37, registered buyer accepts offer and provides payment information, central controller stores payment, keeps track of it and sends a reply to buyer notifying payment receipt).

Forlai in view of Hoffman does not explicitly disclose then sending the paid coupon to another person.

However, Anttila teaches a customer issuing a share request to a coupon system. The customer is identified and the recipient customer is defined and reviewed to ascertain they are eligible for receiving the coupon. Once the database indicates the recipient is appropriate, a new customer coupon is generated with new identification numbers (column 6, lines 34-44).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forlai and Hoffman to include sharing of coupons to other potential buyers. As sales incentives are offered to spark initial customer interest in

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hopes of retaining those customers for future business, the sale offers will continue to build the customer base, thus increasing potential profits.

36. As per claim 20, Forlai discloses the method as set forth in claim 19 (as rejected above).

Forlai in view of Hoffman does not explicitly disclose

the step of checking whether said another person receiving the coupon is a member or not, and inviting said another person to become a member if said another person is not a member.

However, Anttila teaches a customer issuing a share request to a coupon system. The customer is identified and the recipient customer is defined and reviewed to ascertain they are eligible for receiving the coupon. Once the database indicates the recipient is appropriate, a new customer coupon is generated with new identification numbers (column 6, lines 34-44). In addition, the system requires customers wanting to obtain coupons to register with the system to establish their wallet (column 5, lines 10-20).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forlai and Hoffman to include sharing of coupons to other potential buyers. As sales incentives are offered to spark initial customer interest in hopes of retaining those customers for future business, the sale offers will continue to build the customer base, thus increasing potential profits.

37. As per claim 21, Forlai discloses the method as set forth in claim 2 (as rejected above).

Forlai in view of Hoffman does not explicitly disclose the step of storing information of another person in a membership database by a member accessing a one-way sending time expiring coupon server.

However, Anttila teaches coupons are stored in a database and coupon results are sent to the customer for storage in his wallet. Once the database indicates appropriate sharing of coupon, the new coupon is placed in the recipient customer's wallet and the initial customer is given credit for the sharing procedure (column 6, lines 31-44).

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It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Forlai and Hoffman to include sharing of coupons to other potential buyers and storing the potential buyer information. As sales incentives are offered to spark initial customer interest in hopes of retaining those customers for future business, the sale offers will continue to build the customer base, thus increasing potential profits.

Conclusion

38. Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the Examiner.

39. Any inquiry concerning this communication or earlier communications from the examiner should be directed to WILLIAM

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A. BRANDENBURG whose telephone number is (571)270-5488. The examiner can normally be reached on Monday-Thursday 6:30 am - 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bradley Bayat can be reached on 571-272-6704. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

W.B.

/Bradley B Bayat/
Supervisory Patent Examiner, Art Unit 4115